

MINUTES**CITY COUNCIL MEETING****NOVEMBER 9, 2004**

A regular meeting of the City Council of the City of Rolling Hills Estates was called to order at 7:32 p.m. in the City Council Chambers, 4045 Palos Verdes Drive North, by MAYOR MITCHELL.

PLEDGE OF ALLEGIANCE

MAYOR MITCHELL turned over the meeting to MAYOR PRO TEM ADDLEMAN due to illness. MAYOR PRO TEM ADDLEMAN led the assembly in the Pledge of Allegiance to the Flag.

ROLL CALL

City Council Members Present: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman*

*COUNCILMAN ZUCKERMAN arrived at 7:35 p.m.

City Staff Present: City Manager Doug Prichard

Assistant City Attorney Stephen Pfahler

Assistant City Manager Sam Wise

Planning Director David Wahba

Senior Planner Niki Cutler

Community Services Director Andy Clark

Others Present: John Pagliano, Park and Activities Commission

Larry Vanden Bos, Planning Commission

CEREMONIAL ITEMS

NONE

ROUTINE MATTERS

A. CITY COUNCIL MINUTES OF OCTOBER 26, 2004

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE THE CITY COUNCIL MINUTES OF OCTOBER 26, 2004 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR PRO TEM ADDLEMAN SO ORDERED.

B. ADJOURNED CITY COUNCIL/PARK AND ACTIVITIES COMMISSION MINUTES OF NOVEMBER 2, 2004

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE THE ADJOURNED CITY COUNCIL/PARK AND ACTIVITIES COMMISSION MINUTES OF NOVEMBER 2, 2004 AS PRESENTED.

THERE BEING NO OBJECTION, MAYOR PRO TEM ADDLEMAN SO ORDERED.

C. DEMANDS AND WARRANTS – OCTOBER AND NOVEMBER

MAYOR PRO TEM ADDLEMAN moved, seconded by COUNCILWOMAN SEAMANS

TO Approve Warrants 36439 through 36489 in the amount of \$65,993.40; Supplemental Warrants 100401 through 100402; 36292 through 36302; 36355 through 36373; 36427 through 36428 in the amount of \$196,310.02 for a grand total amount of \$262,303.42 with proper audit.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

CONSENT CALENDAR

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE ITEMS A-C.

A. READING OF ORDINANCES AND RESOLUTIONS

Reading in full of all ordinances and resolutions presented for consideration to the City Council will be waived and all such ordinances and resolutions will be read by title only.

B. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED OCTOBER 22, 2004

RECEIVED AND FILED.

C. LEAGUE OF CALIFORNIA CITIES PRIORITY FOCUS DATED OCTOBER 29, 2004

RECEIVED AND FILED.

AUDIENCE ITEMS NOT ON THE AGENDA/WRITTEN AND ORAL COMMUNICATIONS

NONE

NEW BUSINESS

A. ENGINEERING SERVICES PROPOSAL FOR STREET IMPROVEMENT PROJECT

Recommendation: That the City Council approve the proposal and Contract Agreement from Willdan to provide engineering and inspection services for the City's Annual Street Resurfacing Program at a total cost of \$52,610.

Assistant City Manager Wise provided a staff report (as per agenda material).

MAYOR MITCHELL suggested investigating grants for rubberized asphalt for future projects. Assistant City Manager Wise noted that grants may not be available for residential streets, as they are generally designated for major arterials.

COUNCILMAN ZERUNYAN referred to the upcoming trash franchise proposal noting that he would hope residents are aware of the cost the City incurs for street maintenance due to constant truck trips from haulers. He encouraged everyone to attend the Waste Hauler Community Workshop on November 16 and provide input on this matter.

COUNCILMAN ZERUNYAN moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE PROPOSAL AND CONTRACT AGREEMENT FROM WILLDAN ASSOCIATES TO PROVIDE ENGINEERING AND INSPECTION SERVICES FOR THE CITY'S ANNUAL STREET RESURFACING PROGRAM AT A TOTAL COST OF \$52,610.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

B. SBCCOG JPA AGREEMENT

Recommendation: That the City Council approve the Second Amended and Restated SBCCOG Joint Powers Agreement.

City Manager Prichard provided a staff report (as per agenda material).

MAYOR MITCHELL moved, seconded by COUNCILMAN ZERUNYAN

TO APPROVE THE SECOND AMENDED AND RESTATED SBCCOG JOINT POWERS AGREEMENT

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

C. 2004 HOLIDAY PARTY GUEST LIST

Recommendation: That the City Council approve the 2004 Holiday Party guest list with any necessary changes.

Assistant City Manager Wise provided a staff report (as per agenda material).

After brief discussion, it was the consensus of the COUNCIL to include Joe and Rosemary Vullo on the guest list due to their participation in many City events.

MAYOR MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO APPROVE THE AMENDED 2004 HOLIDAY PARTY GUEST LIST AS AMENDED.

THERE BEING NO OBJECTION, MAYOR PRO TEM ADDLEMAN SO ORDERED.

OLD BUSINESS

A. RESOLUTION NO. 2064 FOR ADOPTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES APPROVING A PRECISE PLAN OF DESIGN, A MINOR DEVIATION TO EXCEED ALLOWABLE COVERAGE OF THE LOT, AND A GRADING PLAN TO PERMIT IMPORTATION OF APPROXIMATELY 167 CUBIC YARDS OF FILL AND A MAXIMUM CUT DEPTH OF FOUR FEET FOR A 5,760 SQUARE FOOT OFFICE/COMMERCIAL BUILDING ON A .51-ACRE PARCEL; APPLICANT: JUDY CHAI; LOCATION: 5883 CREST ROAD.

MAYOR MITCHELL moved, seconded by COUNCILWOMAN SEAMANS

TO ADOPT RESOLUTION NO. 2064.

City Manager Prichard read Resolution No. 2064 by title only.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

B. DAPPLEGRAY ROOFING POLICY (MR. GRANT MOGFORD; LOCATION: 21 DAPPLEGRAY LANE)

Recommendation: That the City Council review the latest information from the survey that will be presented at the meeting and direct staff on how to proceed with the pending application at 21

Dapplegray Lane.

Planning Director Wahba provided a staff report (as per agenda material).

COUNCILMAN ZERUNYAN inquired as to the type of asphalt roof that would be acceptable. Planning Director Wahba noted that the thicker shingle has a 40-50 year to lifetime warranty.

Planning Director Wahba explained that the City has final authority to approve a roof request, but the resident must first consult their homeowners' association for input.

Bryan Allman, 84 Dapplegray Lane, noted his confusion with the process as his roof was approved in the mid-1990s and it was his understanding that the HOA only suggests, not requires, what type of roofing material to use. He inquired as to when this policy was changed as it was not amended in the CC&Rs. Additionally, he stated that the HOA was not speaking on his behalf and commented that residents who do not wish to have a tile roof should not be forced into a more expensive one. Although he stated the HOA does an excellent job, the architectural committee needs to implement these amendments into their conditions.

Jerry Gliksman, 87 Dapplegray, President, Dapplegray Homeowners' Association, thanked City Manager Prichard for sending out the survey, but recommended this issue be tabled in order to send out another survey to increase the number of respondents.

Mr. Gliksman provided a brief history of the HOA policy with respect to asphalt shingles. He requested that COUNCIL consider the quality and compatibility of that type of roof to the neighborhood.

Mr. Gliksman noted that while the HOA does not have the ability to prevent an approval of this type, this issue is important to the community.

With respect to the survey, he noted he has received feedback from residents who thought it was a piece of junk mail.

COUNCILMAN ZERUNYAN inquired as to what percentage of response Mr. Gliksman is requesting. He noted that it is his desire to see 75% of the neighborhood participate and requested additional time to include this in their newsletter.

Cindy Mogford, Applicant, provided photographs of asphalt roofs from other cities and stated that a roof is not detrimental to the appearance of a house. She noted that when they were considering other roof treatments, Protex had only been producing this material for nine years and was concerned about its history of performance.

Grant Mogford, Applicant, distributed a petition that he prepared which included additional signatures from residents not listed on the survey.

Dawn Wilson, 69 Dapplegray, disputed Mr. Gliksman's remarks regarding junk mail as she commented that the residents are well-informed and have the ability to make a distinction between the types of mail they receive. She noted her opinion that the HOA is interpreting the rules as they see fit and should give the neighborhood more credit for their opinions.

Cherie Steckbauer, 25 Dapplegray, provided extensive comments in support of the HOA as she believed their position can be substantiated by COUNCIL policy and the CC&Rs. She noted that it is understood the HOA does not provide final authority for determination of a roof, but still maintains enforcement of their rules as they address alternative roofing materials as other treatments may become obsolete. She believed this was the intent of the document as it gives the HOA latitude in making a determination and reminded the COUNCIL that they had supported the HOA in the past. She distributed an estimate comparing different types of roofing to the COUNCIL. In conclusion, she noted that fairness is the key issue since over the last four years asphalt roofs were not approved.

Jo Ibelle, 22 Sorrel, expressed her disappointment with the HOA's request for another survey. She noted that the Applicant went door-to-door with this survey requesting signatures while not receiving any

information from the HOA. She stated that the people have spoken and would be disheartened if their vote did not count.

MAYOR PRO TEM ADDLEMAN summarized by stating that the City's policy is to support the HOA. However, the code conflicts with that policy and would require an amendment if asphalt roofs are prohibited.

Planning Director Wahba stated that several applications were submitted for asphalt roofing over the years and were referred to the HOA with the applicants voluntarily utilizing the recommended material.

COUNCILMAN ZERUNYAN commented that this is a difficult issue as he has spoken to many residents throughout his neighborhood and it seems to be the will of the people to support asphalt roofs. While he stated the HOA plays an extremely important role, it should listen to what the residents want and appealed to them not to divide the neighborhood and work to bring both sides together.

Discussion continued with COUNCILWOMAN SEAMANS suggesting that the COUNCIL look at the City as a whole regarding roofing requirements. She also noted the importance of the HOA as it assists the City greatly on other matters and voiced her opposition to the proposed application.

COUNCILMAN ZUCKERMAN disagreed with this suggestion as it could become problematic since roofing throughout the City is not a major issue. He noted that while he supports the HOA, this particular case would need a finding of non-compatibility in order to rule against this application and he could not make that finding.

COUNCILMAN ZERUNYAN suggested the HOA go back to the board on this matter and engage the neighbors in discussion on how to improve the CC&Rs that is consistent with what the community wants. Additionally, he commented that the Applicant should not be penalized for submitting his application.

MAYOR MITCHELL reiterated that the COUNCIL did support the HOA's policy of not approving asphalt. She believed it would not be appropriate to adopt a policy prohibiting this as the law does not allow it without an amendment. She noted that this item was discussed at the Policy Development Session. She strongly urged the HOA to amend their CC&Rs based on consensus of the community because if the residents do not support their homeowners' association, nothing further can be accomplished.

In summary, MAYOR PRO TEM ADDLEMAN noted that since there is a four year history on this matter, the Applicant would be the exception and an approval would not be fair to other residents who voluntarily changed their plans.

COUNCILMAN ZERUNYAN noted his strong desire to empower the HOA to work with the neighborhood in the future and bring back a recommendation on what they decide.

COUNCILMAN ZUCKERMAN stated that the difference between the prior application in 2000 and now is the fact that the COUNCIL was not aware of the community's position as a survey was not taken at that time. Additionally, he noted that he would like to see the HOA act with more authority with regards to their policies and procedures.

MAYOR MITCHELL moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE THE ASPHALT ROOF APPLICATION FOR 21 DAPPLEGRAY LANE.

AYES: Mitchell, Zerunyan, Zuckerman

NOES: Addleman, Seamans

PUBLIC HEARINGS/MEETINGS

A. PLANNING APPLICATION NO. 30-04; APPLICANT: CITY OF ROLLING HILLS ESTATES;
LOCATION: CITY-WIDE

Recommendation: That the City Council: 1) Open the public hearing; 2) Take public testimony; 3) Discuss the issues; 4) Close the public hearing; and 5) Introduce Ordinance No. 628 for first reading, revising Chapter 16.08 of the City of Rolling Hills Estates Municipal Code.

Senior Planner Cutler provided a staff report (as per agenda material).

After brief discussion, MAYOR MITCHELL and COUNCILMAN ZUCKERMAN requested clarification on Section 4. Section 16.08.020. Planning Director Wahba suggested amending the language to read: *"Every subdivider who subdivides land shall dedicate a contiguous portion(s) of such land."*

COUNCILWOMAN SEAMANS moved, seconded by COUNCILMAN ZUCKERMAN

TO OPEN THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR PRO TEM ADDLEMAN SO ORDERED.

Larry Vanden Bos, Planning Commissioner, explained Commissioner Conway's remarks at their meeting of August 16, 2004 whereby he recommended that all dedications of parkland be contiguous as opposed to grass strips. He noted that pocket parks were not addressed at that time since it would not meet the intent of a recreational use.

MAYOR MITCHELL moved, seconded by COUNCILMAN ZERUNYAN

TO CLOSE THE PUBLIC HEARING.

THERE BEING NO OBJECTION, MAYOR PRO TEM ADDLEMAN SO ORDERED.

Discussion ensued regarding SECTION 7, Section 16.08.050 where MAYOR MITCHELL requested the following amendment in Paragraph 2: *"...Fair market value shall be determined by appraisal of highest and best use of the property as entitled as of the time of filing the final map in accordance with the following by the city council."* She noted that the COUNCIL should be the final arbiter of fair market value. Assistant City Attorney Pfahler noted he will bring back amended language at the next meeting.

MAYOR MITCHELL referred to SECTION 10. Section 16.08.080(B): *"....On subdivisions involving 50 lots/units or less, only the payment of fees shall be required...."* She noted that 50 units could amount to 25 acres and suggested leaving this up to the COUNCIL'S discretion depending on the development.

Senior Planner Cutler noted that payment of fees would only be required for subdivisions for 50 parcels or less as this is a mandatory requirement of the Quimby Act.

MAYOR MITCHELL then referred to land use fees received for the purpose of a recreational facility to serve a particular subdivision. Assistant City Attorney Pfahler stated that this language is included in the Quimby Act.

1. ORDINANCE NO. 628 FOR INTRODUCTION AND FIRST READING

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES AMENDING CHAPTER 16.08 (PARKS AND RECREATIONAL FACILITIES) OF THE ROLLING HILLS ESTATES MUNICIPAL CODE WITH RESPECT TO IMPLEMENTATION OF THE QUIMBY ACT.

MAYOR MITCHELL moved, seconded by COUNCILMAN ZERUNYAN

TO REOPEN AND CONTINUE THE PUBLIC HEARING TO THE NEXT MEETING FURTHER AMENDING ORDINANCE NO. 628.

THERE BEING NO OBJECTION, MAYOR PRO TEM ADDLEMAN SO ORDERED.

OLD BUSINESS (Continued)

C. CITY HALL SEISMIC RISK ASSESSMENT

Recommendation: That the City Council: 1) Determine that the seismic performance safety level appropriate for City Hall is the 2001 California Building Codes' Immediate Occupancy level; and 2) Enter into an agreement with Breiholz Qazi Engineering, Inc., to develop structural plans, specifications and bid documents and provide construction inspection and contract administration services for the City Hall facilities' exterior improvements and seismic retrofitting at a cost of \$9,000.

Community Services Director Clark provided a staff report (as per agenda material).

David Breiholz, explained the process by which the work will reinforce the buildings.

Mr. Breiholz noted that many firms likely to bid on this project will perform the work at night and over the weekend so as to minimize disruption to the public.

City Manager Prichard requested clarification on preparation of the plans and specifications to restore the interior to its preexisting appearance.

Mr. Breiholz noted that they only improve the structure and suggested having an architect assess what is needed from a design standpoint.

After brief discussion, COUNCILWOMAN SEAMANS volunteered her services to act as the subcommittee for the interior decoration.

MAYOR MITCHELL moved, seconded by COUNCILMAN ZUCKERMAN

TO APPROVE: 1) A DETERMINATION THAT THE SEISMIC PERFORMANCE SAFETY LEVEL IS APPROPRIATE FOR CITY HALL AT THE 2001 CALIFORNIA BUILDING CODE'S IMMEDIATE OCCUPANCY LEVEL; 2) ENTERING INTO AN AGREEMENT WITH BREIHZOLZ QAZI ENGINEERING, INC., TO DEVELOP STRUCTURE PLANS, SPECIFICATIONS AND BID DOCUMENTS AND PROVIDE CONSTRUCTION INSPECTION AND CONTRACT ADMINISTRATIVE SERVICES FOR THE CITY HALL FACILITIES' EXTERIOR IMPROVEMENTS AND SEISMIC RETROFITTING AT A COST OF \$9,000; AND 3) APPOINTING COUNCILWOMAN SEAMANS TO SERVE AS A SUBCOMMITTEE FOR THE INTERIOR DESIGN.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

D. REQUEST FOR QUALIFICATIONS – CONSULTING SERVICES TO PREPARE A COMPENSATION STUDY, OPERATIONS AUDIT AND EXPENDITURE ANALYSIS

Recommendation: That the City Council review the Request for Qualifications, propose any modifications, and direct staff to solicit this RFQ to potential contractors.

Assistant City Manager Wise provided a staff report (as per agenda material).

MAYOR MITCHELL moved, seconded by COUNCILMAN ZUCKERMAN

TO DIRECTED STAFF TO SOLICIT THE REQUEST FOR QUALIFICATIONS TO POTENTIAL CONSULTANTS.

THERE BEING NO OBJECTION, MAYOR PRO TEM ADDLEMAN SO ORDERED.

CITY ATTORNEY ITEMS

NONE

CITY COUNCIL/REGIONAL COMMITTEE REPORTS: This item provides the opportunity for Members of the City Council to provide information and reports to other Members of the City Council and/or the public

on any issues or activities of currently active Council Committees, ad hoc committees, regional or state-wide governmental associations, special districts and/or joint powers authorities and their various committees on which Members of the City Council might serve or have an interest, which are not otherwise agendized.

A. MAYOR MITCHELL noted she had received a letter from Dave Madsen, South Coast Air Quality Management District, regarding the need for a waiver request from the State Air Resources Board to the Federal Environmental Protection Agency pertaining to private fleet rules.

COUNCILMAN ZUCKERMAN moved, seconded by MAYOR PRO TEM ADDLEMAN

TO CONSIDER THIS LETTER ON AN URGENCY BASIS IN ORDER TO DISCUSS SUPPORT FOR THE WAIVER.

AYES: Addleman, Mitchell, Seamans, Zerunyan, Zuckerman

After brief discussion, COUNCILWOMAN SEAMANS moved, seconded by MAYOR MITCHELL

TO DIRECT STAFF TO SEND A LETTER BE SENT STATING THE CITY'S SUPPORT FOR A WAIVER.

AYES: Addleman, Mitchell, Seamans, Zuckerman

NOES : Zerunyan*

*COUNCILMAN ZERUNYAN stated he would need more information in order to support this request.

B. COUNCILWOMAN SEAMANS was pleased to announce that additional sponsors will be participating in the Holiday Parade scheduled for Sunday, December 5.

C. COUNCILMAN ZUCKERMAN reported that he and COUNCILMAN ZERUNYAN attended a community gathering at Hesse Park where discussion took place regarding the wildfires near San Diego last year. He encouraged residents who may live near a canyon to review their homeowner's insurance fire protection policies.

D. MAYOR PRO TEM ADDLEMAN reiterated that the Waste Hauling Community Workshop will take place on Tuesday, November 16 at 7:00 p.m. and invited everyone to attend.

E. COUNCILWOMAN SEAMANS inquired as to the date when Crenshaw Boulevard will be under grounded. Assistant City Manager Wise stated that he was previously informed it would take a few more months. She requested he contact Southern California Edison for the latest update.

F. MAYOR PRO TEM ADDLEMAN noted that the South Coast Golf Course Environmental Impact Report should be available in the summer of 2005.

MAYOR AND COUNCIL ITEMS: This item provides the opportunity for Members of the City Council to request information on currently pending projects and/or issues of public concern, direct that an item be agendized for future consideration and/or make announcements of interest to the public.

NONE

At 9:58 p.m., the CITY COUNCIL convened into closed session.

At 10:43 p.m. the COUNCIL reconvened with MAYOR MITCHELL, MAYOR PRO TEM ADDLEMAN, COUNCILWOMAN SEAMANS, COUNCILMAN ZERUNYAN and COUNCILMAN ZUCKERMAN present.

CLOSED SESSION

A. DISCUSSION WITH RESPECT TO PERSONNEL MATTERS

(Pursuant to Government Code Section 54957)

1. ANNUAL CITY MANAGER PERFORMANCE EVALUATION – GOAL-SETTING FOR FISCAL YEAR 2004-05

NO ACTION WAS TAKEN.

ADJOURNMENT

At 10:43 p.m., MAYOR MITCHELL formally adjourned the City Council meeting to Tuesday, November 23, 2004 at 7:30 p.m.

Submitted by, Approved by,

Hope J. Nolan Douglas R. Prichard

Deputy City Clerk City Clerk